IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2571 OF 2005

Purshottam Kumar Tirthram Agrawal ..Petitioner

Vs.

The State of Maharashtra & Ors. ..Respondents

Mr.S.A.Vaidya for the petitioner

Mrs.Manju Sharma i/b Mr.A.V.Doijode for the respondent no.2

Mr.D.S.Mhaispurkar, A.P.P. for the state

CORAM : J.N.PATEL &
SMT.ROSHAN S.DALVI, JJ.

DATED : 16TH AUGUST, 2006

P.C.:
1. Heard.

2. The petitioner has sought quashing of the F.I.R. bearing no.I-131/2002 pending before the learned J.M.F.C. at Palghar. The learned A.P.P. informs this court that the investigation in the matter is already completed and charge sheet is filed in the court of J.M.F.C., Palghar on 25.4.03 which is registered as Criminal Case No.79 of 2003.

In view of this, we are not inclined to entertain this petition in exercise of extraordinary Jurisdiction as the Criminal Code Procedure provides for efficacious and effective remedy in case the accused is aggrieved in the matter. Petition is dismissed. Leave granted to the respondents state to file their affidavit within a weeks time which may be taken on record.

3. We make it clear that dismissal of the petition does not mean that this court has considered the merits of the contention raised by the petitioner who is the accused in the case and all the questions and issues raised by him are kept open and the learned Magistrate would not be influenced by the fact that this court has dismissed the petition.

(SHRI J.N. PATEL, J)

(SMT.ROSHAN DALVI, J)